REMARKS

Applicants request reconsideration and allowance in view of the following remarks. Claims 1, 3, 4, 6-45 are pending, with claims 1, 15, and 25 being independent. Support for the claim amendments and new claims may be found throughout the application, for example, at page 7, line 10 through page 11, line 30. No new matter has been added.

Interview Summary

Applicants wish to thank Examiner Nguyen for the courtesy extended to Applicants' representative during the telephone interview on August 30, 2007. This reply reflects the substance of the interview.

Eichstaedt in view of Short Rejection

Claims 1, 3, 4, and 6-37 have been rejected as being unpatentable over Eichstaedt (U.S. Patent Number 6,662,230) in view of Short (U.S. Patent Number 6,636,894). Applicants respectfully request reconsideration and withdrawal of this rejection because neither Eichstaedt, Short, nor any proper combination of the two describe or suggest the features of independent claims 1, 15, and 25, as described below.

For example, independent claim 1 recites, inter alia, monitoring for connection transactions between multiple access requestors and access providers using a switching component connected to the access providers and denying access by an attacking access requestor to the access providers when a number of connection transactions initiated by the attacking access requestor through the switching component exceeds a configurable threshold number during a first configurable period of time. Applicants submit that neither Eichstaedt, Short, nor any proper combination of the two describe or suggest at least these features.

In contrast, as discussed in prior responses, Eichstaedt describes a data protection system 11 that monitors for connection transactions between multiple access requestors (e.g., client

computers 12 and 14) and a single access provider (e.g., web server 18).[1] In particular, Eichstaedt's data protection system monitors for connection transactions between the client computers 12 and 14 and the web server 18 for limiting the access by the client computers 12 and 14 to data objects accessed through the web server 18. Col. 6, lines 20-22. To do so, the data protection system 11 detects requests from the client computers 12 and 14 to the web server 18 and analyzes the requests. Col. 5, lines 25-30. If the requests meet certain criteria, they are forwarded by the data protection system 11 to the web server 18, which accesses the database 20 when formulating a response to the requests. Col. 6, lines 35-37. As such, the technology described by Eichstaedt protects a single web server, web server 18, from abusive clients seeking to make requests too frequently, or seeking to otherwise absorb too much of the web server's 18 resources. Col. 3, lines 45-49. However, Eichstaedt does not describe or suggest monitoring for connection transactions between multiple access requestors and access providers using a switching component connected to the access providers and denying access by an attacking access requestor to the access providers when a number of connection transactions initiated by the attacking access requestor through the switching component exceeds a configurable threshold number during a first configurable period of time, as recited in independent claim 1.

Notably, the Office Action of May 2, 2007 concedes that Eichstaedt does not describe or suggest monitoring connection transactions with a plurality of access providers. See Office Action of May 2, 2007 at page 3. The Office Action relies on Short for this feature.

Applicants respectfully submit that Short fails to remedy the deficiencies of Eichstaedt. Specifically, as shown in Fig. 1, Short describes a computer system 10 including a gateway device 12 and a router 18 that enable a plurality of computers 14 access to a plurality networks 20 or other online services 22. Col. 6, lines 9-45. Although Short may describe a computer system that provides multiple user computers access to a plurality of networks, Short fails to describe or suggest monitoring for connection transactions between the multiple user computers and the plurality of networks using a switching component and denying access by one of the user computers to the plurality of networks when a number of connection transactions initiated by the user computer through the switching component exceeds a configurable threshold number during

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[1] Applicant does not concede that Eichstaedt "monitors for connection transactions;" however, for sake of simplicity of comparing the technology taught by Eichstaedt with the subject matter of claim 1, Applicant assumes that Eichstaedt monitors for connection transactions, as recited in claim 1.

a first configurable period of time. Instead, Short merely describes facilitating connections to a plurality of networks or online services without monitoring the connections and denying access when the number of the connections exceeds a threshold. Thus, Short fails to describe or suggest monitoring for connection transactions between multiple access requestors and access providers using a switching component connected to the access providers and denying access by an attacking access requestor to the access providers when a number of connection transactions initiated by the attacking access requestor through the switching component exceeds a configurable threshold number during a first configurable period of time, as recited in independent claim 1.

During the telephone interview of August 30, 2007, Examiner Nguyen indicated that a combination of Eichstaedt and Short meets the limitations of independent claim 1 because the proposed combination would include a plurality of the web servers described in Eichstaedt to which user computers could connect. Even assuming, arguendo, that a proper combination of Eichstaedt and Short includes a plurality of the web servers described in Eichstaedt, Applicants respectfully disagree that the proposed combination meets the limitations of independent claim 1.

In particular, assuming that a proper combination of Eichstaedt and Short includes a plurality of the web servers, Applicants submit that, in the proposed combination, each of the plurality of Eichstaedt web servers would act in a manner similar to the web server described in Eichstaedt. As discussed above, the web server 18 of Eichstaedt monitors for connection transactions between multiple client computers 12 and 14 and the single web server 18 and protects only the single web server 18 from abusive clients that request objects from the single web server 18 too frequently. Therefore, in the proposed combination, each single web server would monitor its own connection transactions without regard for connection transactions of other web servers. Accordingly, each specific web server included in the proposed combination would deny access to a requestor only when the specific web server has detected a number of connection transactions to the specific web server that exceeds a threshold. Based on the teachings of Eichstaedt, none of the web servers would monitor connection transactions between multiple access requestors and access providers, as claimed. Therefore, even if the proposed combination were made, it would fail to describe or suggest monitoring for connection transactions between multiple access requestors and access providers using a switching

component connected to the access providers and denying access by an attacking access requestor to the access providers when a number of connection transactions initiated by the attacking access requestor through the switching component exceeds a configurable threshold number during a first configurable period of time, as recited in independent claim 1.

The impact of differences between the technology in the proposed combination of Eichstaedt and Short and the subject matter of claim 1 is perhaps best illustrated by an example. If a particular client computer is making too many requests (above the set threshold) to a specific web server, then the web server will recognize that the client computer's requests passes the set threshold and will refuse the client computer access to the specific web server. Now assume that the client computer makes many requests (but less than a threshold) to a first web server and that the client computer concurrently makes many requests (but less than the threshold) to a second web server. The first web server will recognize that the client computer's requests to the first web server do not exceed the set threshold, and the second web server will recognize that the client computer's requests to the second web server also do not exceed the set threshold. Therefore, both the first web server and the second web server will allow the client computer continued access, even if the total aggregated number of the client computer's requests to the first web server and the second web server exceeds the set threshold. That is, the first web server makes access decisions for the first web server without regard for the client computer's interactions with the second web server (or any other web server).

By contrast, the subject matter of claim 1 would take into account the interactions of the client computer with both the first and second web server. And, if the total number of the client computer's requests passes the set threshold, irrespective of to which server the requests are directed, the client computer will be denied access to both the first web server and second web server.

Accordingly, the proposed combination of Eichstaedt and Short fails to describe or suggest monitoring for connection transactions between multiple access requestors and access providers using a switching component connected to the access providers and denying access by an attacking access requestor to the access providers when a number of connection transactions initiated by the attacking access requestor through the switching component exceeds a

configurable threshold number during a first configurable period of time, as recited in independent claim 1.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of independent claim 1 along with its dependent claims.

Independent claims 15 and 25, although different in scope than independent claim 1 and each other, recite features similar to the above recited features of independent claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of independent claims 15 and 25, along with their dependent claims, for at least the reasons presented above with respect to independent claim 1.

New Claims

New claims 38-45 each depend directly or indirectly from independent claim 1. At least for the reason of that dependency and the reasons noted above with respect to independent claim 1, Applicants submit that claims 38-45 are allowable.

Conclusion

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicants submit that all claims are in condition for allowance.

Pursuant to 37 CFR §1.136, Applicants hereby petition that the period for response to the non-final Office action dated May 2, 2007 be extended for one month to and including September 2, 2007. September 2, 2007 is a Sunday and Monday; September 3, 2007 is a federal holiday in which the United States Patent and Trademark Office is closed.
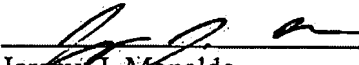
Applicant : Joseph Barrett et al.
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The fee in the amount of $470.00 in payment of the excess claim fees ($350) and the one-month extension of time fee ($120) is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 9/4/07

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